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### **Remarks**

Claims 1 through 15 are pending in this application. In the office action of February 7, 2006, Examiner rejected claims 1-15 under 35 U.S.C. §102(b) as being anticipated by Seok et al. (US Pat. 5,768,898), hereinafter "Seok". Applicants respectfully request reconsideration in view of the following remarks.

### **I. REJECTIONS UNDER 35 USC 102(b)**

According to the MPEP:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

#### **A. Independent Claims 1 and 9**

Independent claim 1 is directed towards a starter assembly for a gas discharge lamp comprising at least one switch located in the gas discharge lamp, and a control unit operable for actuating the switch, wherein the control unit actuates the switch for a predetermined length of time. Independent claim 9 is directed towards a starter assembly for a gas discharge lamp, the starter assembly comprising a magnetic switch located in the gas discharge lamp; an electronics module operable to actuate the magnetic switch, the electronics module further comprising an electromagnet and a control unit operable to control the operation of the electromagnet; wherein the electronics module actuates the magnetic switch for a pre-determined length of time.

Seok fails to teach or suggest each of the limitations of the independent claims. In particular, Seok fails to teach or suggest a starter assembly for a gas discharge lamp comprising a magnetic switch located in the gas discharge lamp. Instead, Seok discloses "a refrigerator having a fluorescent lamp for illuminating a fresh food compartment in which the fluorescent lamp is installed and is turned on and off according to the opening and closing of a door, the

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refrigerator comprising a heater which is installed adjacent to the fluorescent lamp to heat the peripheral portion of the fluorescent lamp." (col. 2, lines 24-30). Although part of fluorescent lamp circuit 40, relay 22 referred to by the Examiner in the above-referenced office action is not located in the fluorescent lamp 39. According to FIG. 3, relay 22 is separate and distinct from fluorescent lamp 39. Therefore, each and every element as set forth in the pending independent claims is not found, either expressly or inherently described, in Seok. Applicants therefore request that the Examiner withdraw this rejection of these claims.

**B. Dependent Claims 2-7 and 10-15**

Dependent Claims 2-7 and 10-15 were rejected as being as being anticipated by Seok et al. Dependent claims 2-7 and 10-15 should be allowed for the reasons set out above for the independent claims. Applicants therefore request that the Examiner withdraw this rejection of these claims.

**Conclusions**

Applicants thank Examiner Vo for the comments made in the above-referenced Office Action. Applicants respectfully request reconsideration of the above-identified patent application. In view of the above arguments, the Applicants believe that the pending claims are in condition for allowance. If, for any reason, the Examiner feels that the above amendments and remarks does not put the claim in condition for allowance, please contact the undersigned attorney to resolve any remaining issues.

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Respectfully submitted,

By: 

Marc T. Filigenzi  
Registration No. 46,700  
Attorney for Applicants  
ALTICOR INC.  
7575 Fulton Street East  
Ada, Michigan 49355-0001  
(616) 787-7303